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when selecting a
remedy in Nassau
County.*

ARTICLE IV

NASSAU COUNTY PUBLIC HEALTH ORDINANCE

PRIVATE DRINKING SYSTEMS

EFFECTIVE AUGUST 1, 1987

(Amended: September 8, 1987)

(Amended: April 13, 1988)

NASSAU COUNTY DEPARTMENT OF HEALTH

Thomas S. Gulotta
County Executive

George Pickett, M.D., M.P.H.
Commissioner

ARTICLE IV
NASSAU COUNTY PUBLIC HEALTH ORDINANCE
PRIVATE DRINKING SYSTEMS
Effective August 1, 1987

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BE IT ORDAINED by the Nassau County Board of Health that the Nassau County Public Health Ordinance, Article II, Section 10, be repealed in its entirety, and that a new Article IV be adopted, effective August 1, 1987, as follows:

ARTICLE IV

PRIVATE WATER SYSTEMS

Section 1. Declaration of Policy

It is declared to be the policy of the Nassau County Board of Health to require, insofar as possible, that all drinking water used by the public be provided by a public water system on the basis that such systems provide greater public health protection than that provided by a private water system.

Section 2. Statement of Purpose

It is the intent and purpose of this Article to prohibit the installation of private water system wells in those areas served by a public water system.

HISTORICAL NOTE: Sec. Adopted May 20, 1987, eff. August 1, 1987;
Amended April 13, 1988, eff. May 1, 1988

Section 3. Definitions

When used in this Section, unless otherwise noted, the following words shall have the following meanings:

- (a) The term "private water system" as used in this Article shall mean any system which is used to provide drinking water other than that obtained from a public water system.
- (b) The term "public water system" as used in this Article shall mean either a community or non-community system which provides piped water to the public for human consumption, if such system has at least five service connections or regularly serves an average of at least 25 individuals daily at least sixty (60) days of the year. Such term includes:
 - (1) collection, treatment, storage and distribution facilities under control of the supplier of water of such system and used in connection with such system; and
 - (2) collection or pretreatment storage facilities not under such control which are used in connection with such system.
- (c) The term "area served by a public water system" as used in this Article shall mean that area contained within duly established and recognized boundaries which the public water system is authorized to serve.
- (d) The term "drinking water" as used in this Article shall mean water used for drinking, culinary purposes, and other uses to include toilets, water

closets, urinals, bathtubs, shower baths, wash basins, laundry tubs, kitchen sinks, and similar plumbing fixtures.

HISTORICAL NOTE: Sec. Adopted May 20, 1987, eff. August 1, 1987; Amended September 8, 1987, eff. October 1, 1987.

Section 4. Approval of Plans for Land Development

- (a) Realty Subdivisions - Plans for realty subdivisions which are located within areas served by public water systems will only be approved by the Department if such plans call for connection to the public water system.
- (b) Other Land Developments - No municipality within Nassau County shall approve plans for new land development requiring drinking water service or otherwise sanction or authorize such development in areas served by a public water system unless such plans call for connection to the public water system.

Section 5. Powers of the Commissioner

- (a) The Commissioner may make or cause to be made any investigation or study which, in his opinion, is required for enforcing the provisions of this Article.
- (b) The Commissioner may waive the application of the provisions of this Article in specific cases, for both realty subdivisions and other land developments, where such waivers are consistent with the purpose and intent of this Article and as restrictive or more restrictive than the New York State Uniform Fire Prevention and Building Code.
- (c) The Commissioner may suspend the sale, offer for sale, lease, offer for lease, construction, or occupancy of any properties developed in contradiction of this Article until such time as public water supply service is available and accessible.

HISTORICAL NOTE: Sec. Adopted May 20, 1987, eff. August 1, 1987; Amended April 13, 1988, eff. May 1, 1988

Section 6. Water Quality

No person, firm, corporation, or agent thereof, shall provide or maintain a private water system to be used for drinking water by any person, other than the owner thereof, unless such water supply shall be potable, protected against pollution, and in compliance with the water quality maximum contaminant levels of Part 5, New York State Sanitary Code, 10 NYCRR, Chapter I as amended as well as all New York State Department of Health Guidelines for Organic Chemicals in Drinking Water. Furthermore, any such person, firm, corporation, or agent thereof, who shall provide or maintain a private water system for drinking water by any person other than the owner thereof, shall submit to the Commissioner a report of water quality examination of such

private water system made by a laboratory approved by the New York State Department of Health for the examination of drinking water on an annual basis or as often as the Commissioner may deem necessary to demonstrate compliance with the aforementioned water quality requirements.

HISTORICAL NOTE: Sec. Adopted May 20, 1987, eff. August 1, 1987; Amended September 8, 1987, eff. October 1, 1987.

Section 7. Contaminated Water Systems

Any person, firm or corporation, or agent thereof, who shall provide or maintain a water supply which is not in compliance with Section 6 of this Article, in any dwelling, building, structure, or portion thereof, shall not allow the use of the water supply for drinking water and shall conspicuously mark said water supply at each outlet by posting and maintaining thereat a NOT FOR DRINKING sign or notice.

HISTORICAL NOTE: Sec. Adopted May 20, 1987, eff. August 1, 1987; Amended September 8, 1987, eff. October 1, 1987.

Section 8. Cross-Connection Control

No person, firm or corporation, or agent thereof, shall make or maintain a connection between any private water system or contaminated water system and a public water system, and no person, firm, corporation, or agent thereof, shall make or maintain any direct physical connection between a public water system or a private water system and a sewer pipe or any device which may contain sewage or other deleterious material. No person, firm or corporation, or agent thereof, which shall have contracted, undertaken, or which is bound by the terms of a lease to supply water for any building or dwelling it owns and which is occupied as a home or place of residence of one or more persons shall shut off or cause to be shut off such water supply so as to result in an unsanitary condition and such supply shall be maintained in a potable condition. Whenever a public water supply is available to serve such building or dwelling, no other supply shall be furnished for drinking water.

HISTORICAL NOTE: Sec. Adopted May 20, 1987, eff. August 1, 1987; Amended September 8, 1987, eff. October 1, 1987.

Section 9. Effective Date

The provisions of this Section shall become effective on August 1, 1987 and shall apply to all plans for new development which have not been officially approved as of August 1, 1987.

HISTORICAL NOTE: Adopted November 22, 1938, effective December 1, 1938. Repealed in its entirety March 13, 1984.

effective April 1, 1984. New Article IV adopted
May 20, 1987 effective August 1, 1987; amended
September 8, 1987, effective October 1, 1987;
amended April 13, 1988, effective May 1, 1988.

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